

Kansas Personal and Family Protection Act Frequently Asked Questions

K.S.A 75-7c01 *et. seq.*
Last updated August 2019



General Information

- **When did the Kansas Personal and Family Protection Act ("KPFPA" - also known as the concealed carry law) become law?**

The act became law on July 1, 2006; however, the law specified that no concealed carry handgun licenses (CCHL) would be issued prior to January 1, 2007. The first CCHL was issued on January 3, 2007.

- **How long is the Kansas CCHL valid?**

Kansas CCHL are valid for a period of four (4) years (provided the CCHL is not surrendered, suspended or revoked for some reason).

- **How old do you have to be to obtain a concealed carry license in Kansas?**

At least 21 years of age. Kansas law generally requires ALL persons, whether licensed by Kansas or another State, to be at least 21 years of age in order to carry a concealed firearm. K.S.A. 75-7c04; K.S.A. 2015 Supp. 21-6302(a)(4). There are no exceptions to the age requirement for obtaining a license to carry concealed handguns.

- **How much does it cost to apply for a Kansas CCHL?**

The *application fee* is \$132.50.

- A person who applies for a Kansas CCHL is required to submit a money order, personal check or cashier's check in the amount of \$32.50 payable to the sheriff's office in the county where the applicant resides. The applicant will also need to submit a second money order, personal check or cashier's check in the amount of \$100.00 payable to the "Office of the Attorney General" (\$32.50 + \$100.00 = \$132.50 application fee)(hereinafter, Attorney General may also be referred to as "OAG").

- Forty-seven dollars of each initial application fee (and reapplication fees) the OAG receives is paid to the Kansas Bureau of Investigation (KBI) for the applicant's state and national background check fees.
- Additional application and licensure costs may include, but not be limited to:
 - The 8-hour training course costs an applicant approximately \$100 – but that price will vary amongst instructors and that price is set at the instructor's discretion.
 - The Department of Revenue (KDOR) charges a fee of approximately \$16 for issuance of the physical CCHL .

- **What does the actual CCHL look like?**

Per K.S.A. 75-7c03, a Kansas CCHL has to be issued on a separate license card. The CCHL appears very similar to a Kansas driver's license or nondriver's identification card (DL/ID), with key differences being that the CCHL has "Concealed Carry License" clearly printed on it along with an expiration date that may not match the DL/ID.

- **Where is the actual CCHL obtained?**

An approved KDOR driver's license station.

- Approved applicants will receive a "license approval notice" from the OAG. This notice informs the applicant they have been approved for a CCHL **and** directs the approved applicant to go to a participating KDOR station in order to be photographed for the new CCHL card.
- A paper version of the CCHL is issued by KDOR at that point, just like obtaining a Kansas DL/ID. The physical CCHL will be mailed to the licensee about one to two weeks later.

NOTE: If the physical card has not arrived by mail within three weeks of receiving the temporary paper version, the licensee should contact KDOR at (785) 296-3963 to ask if the physical card was mistakenly returned. Undeliverable CCHL are NOT returned to the OAG.

- **What if I have a change of address or name?**

Licensees must **notify the OAG**, through the Concealed Carry Licensing Unit ("CCLU") within 30 days of changing a permanent address. K.S.A. 75-7c06. **Notifications made to KDOR will not suffice for notification to the OAG.**

The CCLU requires this to be in writing in order to avoid any confusion later. Likewise, the licensee should advise the CCLU of any change to their name. Once notified, the CCLU will send the licensee an approval notice to re-issue the CCHL. The licensee will then have to go to an approved KDOR station to obtain the re-issued CCHL. The KDOR station will charge a fee to generate a new CCHL.

- **What if my license is lost or stolen?**

Licensees must notify the CCLU in writing within 30 days of losing a CCHL or having a CCHL stolen. This notice must include a notarized statement setting forth the circumstances of the loss. A fee of \$15.00 in the form of a cashier's check, personal check or money order made

payable to the “Office of Attorney General” must accompany the notarized statement. Once notified, the CCLU will send the licensee an approval notice to re-issue the CCHL. The licensee will have to go to an approved KDOR station to obtain the re-issued CCHL. KDOR will charge a fee to generate a new CCHL.

- **If I need to withdraw my application for whatever reason, can I have my application fee refunded?**

No. By law, the fees are non-refundable. See, K.S.A. 75-7c05.

Training Course

- **Is there any training required to receive a CCHL?**

Yes. The KPFPFA generally requires that all CCHL applicants must have successfully completed training approved by the OAG before they may obtain a Kansas CCHL. See, K.S.A. 75-7c04(b) & (c).

Amendments to K.S.A. 75-7c04 in 2016 have expanded the discretionary ability of the OAG to accept various forms of prior handgun training in order to meet the training requirement. Those options include:

- Kansas recognizes prior handgun training of **retired** law enforcement (if retired less than 8 years). See, K.S.A. 75-7c05.
- Kansas recognizes the handgun training taken by **current** Department of Corrections officers, parole officers or Federal Bureau of Prisons officers **if** completed within the past 12 months. See, K.S.A. 75-7c05.
- On and after July 1, 2016, the OAG can accept a prior handgun training course **completed in a jurisdiction other than Kansas** where the training completed is “equal to or greater than” the training required by Kansas law.

NOTE: Kansas law states prior handgun training that is “equal to or greater than” that of Kansas must have included, “. . . at a minimum, the applicant to: (A) Receive instruction on the laws of self-defense; and (B) demonstrate training and competency in the safe handling, storage and actual firing of handguns.” K.S.A. 75-7c04(d). Once an application has been submitted to the OAG, the OAG’s CCLU will review prior handgun training courses to determine their compliance with this definition.

- **Where can the required 8-hour training be taken?**

The training course must be completed by any OAG-certified trainer however it is not required that the training course be completed within the applicant’s county of residence.

- A directory of certified instructors (listed by county) is posted on the OAG’s website (<http://ag.ks.gov/docs/documents/certified-instructor-directory.pdf>).
- If interested in becoming a CCHL instructor, see, KAR 16-11-2(c) for a description of prior qualifications and other criteria that are required in order to be certified by the OAG to teach Kansas CCHL training courses.

- **Are there any other exemptions to the required 8-hour training class other than those listed above?**

Generally, no. Again, prior documented handgun training **may** be sufficient to bypass the current Kansas 8-hour CCHL training course but this will normally be a case by case basis review of that prior training.

Not all prior trainings can be considered. For instance: hunter's education (not handgun-based training), any course without a live-fire qualification, or any course where self-defense was not taught are among those trainings which will generally not count towards the Kansas training exemption.

- **I took an online concealed carry training course, will that training course be honored by Kansas?**

No. Kansas CCHL regulations do not allow online training to be accepted – even if that training allowed the Kansas CCHL applicant to obtain a non-Kansas CCHL. That person will have to take the 8-hour Kansas CCHL training course.

- **How much does the training class cost?**

Because the CCHL training courses are taught by private individuals, the cost of a course varies from trainer to trainer. Some courses may go above and beyond the 8-hour minimum and, consequently, cost the student more to complete that training.

- **How is the course completion documented?**

Once a person has completed the required class, the instructor will sign a form (or affidavit) certifying that the person has completed the Kansas CCHL course. A copy of that form (or affidavit of the instructor) must be attached when an applicant submits their application to the sheriff's office.

- **Must the required training class be completed before an application is submitted?**

Generally, yes. Proof of completing either the 8-hour Kansas CCHL training class or compliant handgun training from another jurisdiction should be attached when the applicant submits their CCHL application to the sheriff's office in the county they reside in.

NOTE: If an individual reasonably believes that he or she has prior handgun training from another jurisdiction or authority (listed above as an exception or exemption to the Kansas training course) he or she may submit proof of that training with his or her Kansas CCHL application for review by the CCLU. Proof of prior, compliant handgun training includes a certificate or other document showing completion of the course as well as any other documentation (such as a course syllabus) which outlines that the core elements completed in that course were actually "equal to or greater than" the Kansas CCHL training course. Those whose prior training does not ultimately equal or exceed Kansas' training requirements will need to complete the Kansas course.

- **I applied for a Kansas CCHL previously but withdrew my application because we were moving to another state. We have now moved back to Kansas again. Can I use my prior Kansas training from my first application to send in another application?**

Yes. Currently there is no statutory expiration for the Kansas CCHL training course. However, applicants are encouraged to apply as soon as possible after completing the course.

- **Where can I obtain an application to become an OAG-certified instructor for the Kansas CCHL course?**

An application form can be downloaded from the OAG's website, www.ag.ks.gov, under the "Licensing Programs" and "Concealed Carry" tabs.

Application Process

- **Where is the application form located?**

The application form is available online on the OAG's website at <http://ag.ks.gov/docs/forms/concealed-carry-application.pdf>. A paper copy of the application form can be obtained from the sheriff's office in your county of residence.

- **Where do I submit my CCHL application?**

All applicants for a Kansas CCHL must apply through the sheriff's office in the county where they reside. There are no exceptions. Even Kansas residents who are active duty military (ADM) but stationed in outside of Kansas still have to forward their complete CCHL application through the sheriff of the Kansas county where that ADM resides (see below).

- **How long does the OAG take to process an application - when can I expect to receive an approval notice?**

The OAG is required by statute to process an application and notify the applicant within 90 days of receiving the application. Currently, most initial applications are processed within approximately 30-45 days, *however...* unless an applicant receives a written request for additional information, the applicant should not expect to hear from the CCLU for *at least* 45 to 60 days.

- **Do I have to be a resident of Kansas to obtain a Kansas CCHL?**

Generally, yes. Kansas generally does not issue CCHL to non-residents, with two exceptions:

- ADM who are stationed in Kansas but have a state of legal residence that is other than Kansas (typically demonstrated through a DL or ID issued by another State); or
- A "dependent" of an ADM stationed in Kansas whose State of legal residence is other than Kansas. A "dependent" for purposes of this exception is someone who resides with the ADM and financially depends upon that ADM in whole or substantial part.

NOTE: As of July 1, 2016, ADM who are (A) Kansas residents and (B) stationed at a U.S. military installation outside of Kansas may have their fingerprints taken by proper military personnel and, from there, that ADM may mail their completed application for Kansas CCHL to the Sheriff of the Kansas county where they reside. See, K.S.A. 75-7c05(i). The CCLU recommends that any mailing be done so that the submission can be tracked and that a highlighted copy of K.S.A. 75-7c05(j) be attached to the top of that application to remind the Sheriff's staff of availability of that application process.

If that application is ultimately approved, this allowance may not relieve the ADM from having to physically return to Kansas in order to have the CCHL issued by an approved KDOR station.

- **I will be moving to a new residential address. What do I do?**

You must provide the CCLU with an update to a new residential address within 30 days after that move but doing so ahead of time can help get a DL and CCHL reissued more promptly.

Failing to timely notify the CCLU of a move in residences can result in a fine of up to \$100 or suspension of the CCHL for up to 6 months. See, K.S.A. 75-7c06(e).

Just notifying KDOR, at this point in time anyway, will NOT update the CCLU so notifying both agencies is required by the law of each licensing authority.

If you are moving out of Kansas to a new state, please let the CCLU know ahead of time so that a 90-day extension can be provided and also ensure that no penalty fees are assessed if the person later returns to Kansas without having notified the CCLU of that move to another state.

Criminal History/Other Background Information

- **I have a criminal history, can I still apply?**

Yes, **but** you “shall” be denied if you have certain felony convictions or juvenile adjudications or are otherwise prohibited from “shipping, transporting, possessing or receiving a firearm” under State or Federal law. See, K.S.A. 75-7c04(a). Again, if you do not truthfully disclose your criminal history you could face felony criminal charges.

- Federal law prohibits individuals from shipping, transporting, possessing or receiving firearms and/or ammunition if the individual has been convicted of a “crime punishable by a term of imprisonment for more than 12 months” – generally a felony but this could include some misdemeanor offenses from other jurisdictions.
- Federal law will look to the law of the jurisdiction where the offense was prosecuted to determine if there is still a qualifying “conviction” for that prohibition. If the conviction happened in Kansas state court, Kansas law will control the analysis; if the conviction occurred in Florida state court, Florida state law will control the analysis; if the conviction happened in a federal court, then federal law will control.
- Kansas law prohibits individuals from possessing firearms for either 5 years, 10 years or permanently depending on the felony conviction/adjudication and whether a firearm was possessed at the time of the felony (the firearm did not have to be used during the felony).

NOTE: Applicants should also be aware that, even if the crime occurred in another jurisdiction, Kansas law will also be considered for purposes of determining whether the applicant's criminal history meets Kansas firearm possession standards. In other words, convicted felons from another state will have to satisfy 2 levels of "state" legal compliance (convicting jurisdiction and K.S.A. 21-6304) before being approved.

- Federal law prohibits individuals with a prior conviction for a "misdemeanor crime of domestic violence" (MCDV) from shipping, transporting, possessing or receiving firearms and ammunition. 18 USC 922(g)(9).
 - Federal law, 18 USC 922(g) & (n) also prohibits firearm possession for individuals with the following circumstances:
 - Individuals who are under "indictment" (meaning a pending criminal charge – to include diversion programs from Kansas) for a "crime punishable by a term of imprisonment for more than 12 months";
 - Individuals who renounce their US citizenship (rare to this point in time);
 - Individuals who are not: (a) a US citizen; (b) a permanent resident alien; or (c) a qualifying nonimmigrant alien (individuals who are unlawfully in the United States);
-

NOTE: Again, K.S.A. 75-7c04 generally requires Kansas residency as a CCHL qualification. Most nonimmigrant aliens are only in the United States for a temporary basis (i.e., work or school) and have retained their country of origin. Nonimmigrant aliens, therefore, may not meet the state residency requirements of K.S.A. 75-7c04.

- Individuals who have been dishonorably discharged from the US armed forces (or "dismissed" as an officer);
 - Individuals with qualifying protection orders against them from intimate partners;
 - Individuals who have been adjudicated by a lawful authority as a mental defective **or** been committed to a mental institution;
 - Individuals who are fugitives from justice; and
 - Individuals who are addicted to **or** unlawful users of controlled substances.
 - There are also Kansas firearm prohibitions under K.S.A. 21-6301 that are similar to some of the other federal prohibitions of 922(g) noted above. See, 2018 House Bill 2145 for most recent updates.
- **I have an expunged criminal history. Do I have to disclose my expunged offenses on my CCHL application?**

Yes. Kansas law (K.S.A. 21-6614 and K.S.A. 12-4516) requires that CCHL applicants truthfully disclose all convictions, even those that have been expunged. **Failure to be truthful in a CCHL application or the waiver agreement and statement form accompanying your fingerprint submission can result in a future prosecution for a felony offense.** See, K.S.A. 75-7c09.

- **EXAMPLE: I applied for a CCHL recently and my felony criminal conviction has been expunged. Am I eligible for a CCHL since my history is expunged?**

Possibly. A critical point to understand is that, just because a prior Kansas felony conviction has been expunged from one's criminal history, does not mean that the individual is now eligible to ship, transport, possess and/or receive a firearm. In fact, under K.S.A. 21-6614(k), the expungement of a prior felony will generally have **no** effect on one's state or federal firearm prohibition periods.

If an applicant is subject to a lifetime ban under 21-6304(a)(1), a 5-year ban under 21-6304(a)(2) or 10 year ban under 21-6304(a)(3)(B), those prohibitions remain intact during the appropriate time frame even if the conviction has been expunged or pardoned prior to the expiration of that 5 year, 10 year or lifetime period.

- **EXAMPLE: I was convicted on July 15, 2008 of felony theft. No firearm was involved or otherwise possessed at that time. My conviction has not been expunged and I was put on probation. When am I eligible to apply for a Kansas CCHL ?**

July 16, 2013 - **assuming no other disqualifications are present.** (July 15, 2008 conviction date + 5 year prohibition of 21-6304(a)(2) = July 16, 2013).

- **EXAMPLE: I was convicted of aggravated assault with a firearm in 1982 and got my conviction expunged this year. Can I now apply for a Kansas CCHL?**

No. An individual in this situation (person felony & simultaneous possession of a firearm) is permanently barred from possessing firearms under K.S.A. 2017 Supp. 21-6304(a)(1). This individual should not possess any firearms at all. In fact, by merely completing the full CCHL training course, this individual has violated Kansas (and federal) law by possessing a firearm during the shooting portion of the class. The fact that the conviction has been expunged has no effect on this lifetime prohibition (again, see, K.S.A. 2017 Supp. 21-6614(k)(2)).

- **EXAMPLE: I entered into a 12-month diversion program with my county attorney last month for a felony burglary charge. I've not been convicted of the crime and it will be dismissed once I've completed the diversion term. Am I eligible to apply?**

No. An individual who is still subject to the terms of a diversion agreement has not yet had the charge(s) against them dismissed. Therefore, federal law would say that person is still under "indictment" for a crime punishable by imprisonment for more than 12 months and ineligible to possess a firearm. The individual must successfully complete the terms of their diversion program before applying for a Kansas CCHL.

Completed diversion programs are no longer deniable criminal history events.

- **EXAMPLE: I was convicted of generic "battery" in 1998 – my wife and I got into an argument and I slapped her. Her lip was swollen and bleeding so they charged me with domestic battery for physically harming her. My attorney was able to work out a plea to where I was only convicted of simple battery for physical contact. Since I was not convicted of "domestic" battery...am I eligible for a CCHL?**

No. Under federal law, anyone who has had a qualifying domestic relationship with a CCHL applicant and the applicant was convicted of **any** misdemeanor crime for using physical force (or attempted physical force) against that domestic relation, then that conviction can qualify as

a MCDV under 18 USC 922(g)(9). This is the law according to the U.S. Supreme Court. See, *U.S. v. Castleman*, U.S. , 134 S.Ct. 1405 (2014). That prior MCDV conviction potentially subjects the applicant to a permanent loss of their firearm rights. See, 18 USC 921(a)(33)(defining what constitutes an “MCDV”). This rule applies **even if** the statute or ordinance of conviction does **not** contain the word “domestic” or list domestic relationships. This rule was recognized by the United States Supreme Court. *U.S. v. Hayes*, 555 US 415 (2009).

Therefore, the above “battery” conviction will likely disqualify the applicant for a CCHL and, more importantly, likely disqualify them from the general ability to ship, transport, possess or receive firearms or ammunition. This same result can occur for **any** misdemeanor conviction that involves the use or attempted use of physical force (i.e., battery, assaults from some jurisdictions, disorderly conduct).

A recent decision of the 10th Circuit Court of Appeals **may** allow some persons who have an MCDV through a municipal court to still be eligible for a CCHL. However, those persons may still face firearms issues should they travel outside of the 10th Circuit while in possession of a firearm.

An individual with any prior misdemeanor conviction that is even close to those described above (**no matter how long ago and no matter what the ultimate charge of conviction was**) should contact a private attorney who is well versed in federal firearms laws as that individual may be prohibited from possessing firearms.

- **EXAMPLE: I applied for a CCHL and my application was denied. Am I allowed to reapply for a CCHL?**

Maybe. A prior denial does not necessitate another denial or waiting period.

An individual previously denied should seek private legal advice about their current ability to possess firearms under the statutes listed in K.S.A. 75-7c04. Any applicant who is still under a firearm prohibition listed in those state and federal law will be denied a Kansas CCHL. The OAG cannot give private, individual legal advice.

- **EXAMPLE: Two months ago, I pled no contest to a misdemeanor controlled substance charge. There were no firearms in my possession and no one was hurt...I just forgot I had a little pot on me when I was stopped by the cops. Am I eligible for a CCHL since the conviction was not for a felony and there was no gun possessed or otherwise involved?**

No. Federal law and state law prohibit those who are “unlawful users of” or “addicted to” controlled substances. Federal law, specifically 27 CFR 478.11 defines what that term means. Included within that definition are individuals who have been convicted of a drug offense within the past year. Other categories include, but may not necessarily be limited to: individuals who were arrested for a controlled substance/drug offense within the past year and have another arrest within the past 5 years; positive drug tests within the past year; admitted drug use within the past year; possession of paraphernalia that tests positive for controlled substance use.

Criminal History Summary

- I am considering sending in my CCHL application and am wondering what criminal history events would disqualify me from getting approved. Can I get a summary of the disqualifying criminal dispositions that prevent someone from getting a Kansas CCHL?

K.S.A. 2017 Supp. 74-7c04(a) states that the OAG shall not issue a CCHL if the applicant:

- is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under any of the following laws:
 - 18 U.S.C. § 922(g) or (n), or
 - Subsections (a)(10) through (a)(13) of K.S.A. 21-6401, or
 - Subsections (a)(1) through (a)(3) of K.S.A. 21-6304.

NOTE: Kansas statutes may be accessed through the Kansas Legislature's website at: http://www.kslegislature.org/li/b2019_20/statute/. The United States Code may be accessed here: <http://uscode.house.gov/browse.xhtml>.

NOTE: All criminal history **MUST** be disclosed on a CCHL application. If you have questions about how your criminal history may affect your ability to possess a firearm or qualify for a CCHL, you should consult a private attorney. For legal advice, individuals should speak with a **private attorney** who is particularly well versed in Kansas and federal firearms laws. The OAG/CCLU will try to assist as much as possible **but the OAG/CCLU cannot provide individualized legal advice to a member of the general public.**

Recognition of CCHL from Other Jurisdictions

- Does Kansas recognize CCHL from other states?

Generally, yes. See the notes below for limits. For most individuals, a CCHL is not required in order to carry concealed in Kansas as of July 1, 2015. This allowance applies to Kansans and nonresidents of Kansas. See below for explanation of unlicensed concealed carry.

NOTE: Kansas **is not** a 'true reciprocity' jurisdiction. This means that, just because Kansas **recognizes** a CCHL from State A, that does not mean that State A will automatically **reciprocate** and recognize Kansas' CCHL.

NOTE: Beginning July 1, 2015, Kansas law required anyone carrying a concealed firearm in Kansas to be at least 21 years of age. Anyone who has a CCHL from another jurisdiction but is less than 21 years of age, will not be allowed to carry concealed in Kansas. Please contact a private attorney to discuss whether you may lawfully open carry while here in Kansas. See, Attorney General Opinion 2017-018 for a full explanation of the basis for that conclusion.

NOTE: The CCLU strives to keep an updated listing of the states which have determined they will recognize the Kansas CCHL. However ...

it is ultimately the responsibility of the Kansas licensee to verify that their CCHL will or will not be recognized in a jurisdiction they will be traveling in and what differences there are in laws between Kansas and that jurisdiction.

Example: Some jurisdictions require an immediate disclosure of CCHL status upon being stopped by law enforcement and failure to do so is a crime; Kansas does not have a similar provision.

Example: State "A" may have more restrictive (or less restrictive) firearm provisions than Kansas does for those with certain criminal histories. This difference **could** result in that person from State "A" violating Kansas law by carrying a firearm while traveling here and **if** Kansas law happens to be more restrictive; or a Kansas licensee may be in violation of State "A" laws if traveling there and State A has a more restrictive law. Again, ultimately, **the responsibility is on the Kansas licensee to verify that their CCHL will be recognized in a jurisdiction they will be traveling in and what differences there are in laws between Kansas and that jurisdiction.**

- **If I am a Kansas resident and have a valid CCHL from another jurisdiction, can I carry a concealed handgun in Kansas?**

Maybe. Again, a CCHL from Kansas or any other jurisdiction is no longer **required** in order to carry concealed firearms in Kansas. Again, so long as the person is 21 or older and lawful to possess firearms, then they may carry concealed firearms/handguns in Kansas with or without a CCHL. See above for the limitation on those less than 21 years of age whether licensed or unlicensed.

- **Can I 'transfer' my non-Kansas CCHL into a Kansas CCHL under the KPFPFA?**

No. There is no provision under the KPFPFA to automatically transfer or trade a CCHL from another jurisdiction into a Kansas CCHL. If a Kansas CCHL is sought, then the person seeking a Kansas CCHL must apply as set out above.

The training used to obtain that non-Kansas CCHL may be sufficient training foundation for the issuance of the Kansas CCHL, but all other requirements of the initial Kansas CCHL application process must be met.

- **I took an online concealed carry training course, will that training course be honored by Kansas?**

No. Kansas CCHL regulations do not allow online training to be accepted – even that training allowed the Kansas CCHL applicant to obtain a non-Kansas CCHL. That person will have to take the 8-hour Kansas CCHL training course.

- **If my valid, non-Kansas CCHL did not require any training, or if my prior training was not equal to or greater than Kansas' CCHL training – for instance, there was no live-fire qualification, do I have to take the Kansas CCHL training course *before* applying?**

Yes. There is no longer a 180-day receipt to be issued for new residents to Kansas wishing to continue carrying concealed so there really is no ability to bypass the training requirement ahead of application if your prior training was less than that required by Kansas statute and regulations. Those who apply before having sufficient training completed will not have their applications processed until that training is received. Questions about the sufficiency of your prior training may be directed to the CCLU staff.

- **I have a non-Kansas CCHL that did not require any training, but I keep up with my marksmanship regularly at the range and I've taken some other trainings since then. Can those trainings be used to bypass the Kansas CCHL training?**

Maybe. The training used to bypass the Kansas CCHL training *must* be equal to or greater than the Kansas requirements noted above and you must be able to submit proof of completion along with proof of what your training course involved. Without that proof, the CCLU cannot accept prior training.

- **I believe my prior, non-Kansas CCHL training will meet the “equal to or greater than” standard. What do I need to do when applying for the Kansas CCHL?**

Attach copies of the training certificate (or other proof of completion) and all documentation you have which will show the nature of the training you completed (i.e., the topics covered (self-defense, laws, safe handling training, and proof of the live-fire demonstration). The more information the CCLU has to review ahead of time, should help reduce the review time for the application.

NOTE: Some of the more popular training courses may not need extra documents submitted with those training certificates as the course requirements for those courses are readily known or locatable. However, a course which is less known may require more documents to show the course's framework.

- **If I move to Kansas will my non-Kansas CCHL be proof of training in and of itself?**

Maybe. Again, on and after July 1, 2016, the handgun training submitted will need to be reviewed to determine whether 75-7c04(b) or (c)(1) has been met by the applicant. Some states' CCHL require no training at all and some states have training standards that may or may not be “equal to or greater than” those of Kansas' training requirements.

NOTE: 75-7c04(c)(1) gives the OAG the discretion to compile a list of states whose training would meet this “equal to or greater than” standard; and the CCLU can review each application on a case-by-case basis.

The OAG understands that, on the other side of the evaluation, another state's concealed carry law may not **require** an applicant to demonstrate, for example, live-fire handgun proficiency during its training course but the applicant may have done such a demonstration during their training. The OAG does not want to discount that possibility. Irrespective of what another state's laws do or do not require, if the applicant can submit proof of the training course's components, the CCLU will review those components to determine if the course meets or exceeds Kansas law. Again, the more information the CCLU has, the faster that review can proceed.

- **In my prior state of residence, my position as a certified law enforcement officer enabled me to bypass the CCHL training course there. Is there a similar allowance for obtaining a Kansas CCHL?**

There are several points to cover here, but the short answer is, generally, yes.

- "Law enforcement officers" in Kansas do not need a Kansas CCHL in order to carry a concealed firearm. See, K.S.A. 21-6302. So if the person maintains a Kansas-certified LEO status, that person does not need a CCHL to lawfully carry concealed firearms on their person.

NOTE: Department administrative rules may or may not limit an LEO's ability to carry firearms while off-duty.

- New as of July 1, 2016, under amendments made to K.S.A. 75-7c04, if a current service LEO still desires a Kansas CCH, then the KPFPA would allow the OAG to consider that prior LEO's handgun training as a bypass for the Kansas 8-hour training course.
- Also, if retired LEO of less than 8 years, you can produce proof, by letter from your former agency, that you retired from that law enforcement agency in good standing (for reasons other than mental instability and retired less than eight (8) years) then you could qualify for a training course bypass. Or, if beyond the retired LEO training exemption, the retired LEO may fall back into the general 'prior training' exemption noted above.
- If you are a "corrections officer, a parole officer or a corrections officer employed by the federal bureau of prisons" and you can produce proof that you last completed a Department of Corrections or Bureau of Prisons firearms qualification in the 12 months immediately preceding application – then you are exempt from the Kansas training course. If your DOC or BOP firearms qualification was more than one year ago, determine if you qualify for the "retired" exception above and, if you do not fit that exemption and you cannot supply proof of prior firearm course completion that is equal to or greater than the Kansas training, you will need to take the Kansas training course.

Where Licensees May or May Not Be Able to Carry

- **Will a Kansas CCHL allow me to carry a handgun anywhere in the State of Kansas?**

No. As highlighted below, and as authorized by K.S.A. 75-7c10 and 75-7c20, certain buildings have the ability to limit or prohibit concealed carry. Following amendments to the KPFPA in 2013, different rules apply to public and private buildings. Those differences are explored further below.

All persons carrying concealed firearms are advised to become knowledgeable about the legal restrictions on all locations where firearms are or can be prohibited.

- **If I obtain a Kansas CCHL, will I have to carry my CCHL with me at all times when carrying a concealed handgun?**

No. Because Kansas no longer requires a CCHL, but you should just in case a scenario arises and law enforcement needs to sort out your lawful ability to carry. Licensees should also have their CCHL handy when transporting firearms in a motor vehicle.

- **As a Kansas CCHL, if I am stopped by a law enforcement officer while carrying concealed, do I have to *volunteer* to the officer that I have a CCHL and/or handgun?**

No, but the licensee should strongly consider doing so because some states do **require** that disclosure and failing to do so is a criminal act. Doing so in Kansas can get the licensee acclimated to that possibility.

- **If I have a Kansas CCHL and I enter a business that is not posted as prohibiting concealed carry, do I have to leave if the owner or an employee sees that I am carrying and asks me to leave?**

Generally, yes. This is particularly true for private businesses. While you would not be violating the ***concealed carry law*** by just carrying into a non-posted building, if you refuse to leave and building administration or their designees have given notice you are not welcome and have been ordered to leave, you could be cited for criminal trespass.

Carrying into Buildings

- **What did the KPFFA amendments in 2013 change for concealed carry in Kansas?**

The **general rule** of K.S.A. 75-7c20 was that, on and after July 1, 2013, any “state or municipal building” (hereinafter “SOMB”) must take certain steps to prevent any weapon from entering the building if that SOMB desired to restrict licensed concealed carry of handguns within its walls. In 2015 this was expanded to unlicensed concealed carry.

NOTE: Effective July 1, 2016, K.S.A. 75-7c20 was amended to allow a SOMB to prohibit concealed carry within “any public area” of their respective building as opposed to prohibiting carry throughout the entire building.

- This was a decision left to the administration of an SOMB to exercise (the law spoke to this option being exercised by the governing body of the SOMB or chief administrative officer, if no governing body exists). See, K.S.A. 2018 Supp. 75-7c20(a)-(b).
 - The public area limitation is accomplished by posting signage and ASM at that public area. See, K.S.A. 75-7c20(a).
 - The signage posted may be permanent or temporary.
 - The signage limiting carry in public areas of a building **does not** have to be approved by the OAG; the SOMB’s administration may post other signage in order to effect this prohibition.
- **Who or what does this general rule affect?**

Generally, these amendments affect most SOMBs.

Generally, these amendments affect those who are carrying a concealed handgun.

- **Who or what does this general rule not affect?**

This rule will not affect federal facilities or federal court facilities. See, K.S.A. 75-7c10 and 18 USC 930.

- Buildings of private businesses – even if the building is one that is state or municipally-owned but leased by a private business. K.S.A. 75-7c20(l)(defining a SOMB).
- Any building that is held by the state or a municipality for revenue bond financing is likewise exempt from coverage as a “state or municipal building.” K.S.A. 75-7c20(l).
- Any K-12 school district buildings are not included as they were exempted from the definition of “municipal” and “municipality.” K.S.A. 75-7c20(l).
- Also not affected by this section are: the secure areas of any buildings of a correctional facility, jail facility or a law enforcement agency (75-7c20(g)); courtrooms and “ancillary courtrooms” where the chief judge of the judicial district has prohibited firearms (provided there are ASM and signage in those public areas)(75-7c20(h)); and various other buildings that might ordinarily be considered an SOMBs but are excepted out of this law, see, K.S.A. 2017 Supp. 75-7c20(k).
- As of July 1, 2017, certain SOMBs which had exercised an allowed exemption under K.S.A. 75-7c20(i) or (j) had to either comply with the ASM requirements or allow concealed carry.

- **Are public (‘state or municipal’) businesses or administrations allowed to restrict the concealed carry of handguns?**

Generally, yes. However, following the 2013 and 2016 amendments to the KPFA, just posting OAG-approved signage on a SOMB is no longer sufficient in and of itself to prohibit entry. The answer to this question depends on other conditions but, effective July 1, 2017, SOMBs fall into two categories now:

- Concealed carry is allowed in a SOMB where there are no OAG-approved signs (‘exempt’ signage or otherwise) posted at the building’s public entrances.
- Concealed carry will be prohibited in a SOMB which has installed ASM at its public entrances and posted OAG-approved signage.
 - Again, however, see the amendments from 2016, highlighted above, which allow a “public area” of a SOMB to be posted with signage in order to keep out concealed carry.

State or municipal land

- The state and municipalities are not allowed to restrict licensed CCH onto public lands that belong to those entities. Only SOMBs of those entities can be limited as noted above.

Federal lands

- Federal law controls. If no firearms are allowed on those lands, then licensed CCH will not be allowed. Some federal lands have recently begun to follow the law of the jurisdiction where the land sits, including national parks. However, always know where you are carrying and, if traversing/visiting a federally owned ‘land’ area, find out from proper federal authorities if concealed carry will be allowed there.

If the building is privately owned and houses at least one private business:

- Concealed carry is allowed **unless** the building has properly posted OAG-approved signage at the entrances.
- Even if a state or municipal entity leases part of that building from a private owner, that “building” will not be considered a SOMB unless the building is a qualifying strip mall set up. See AG Opinions, 2013-014 and 2013-021.

If the building is state or municipally owned but **only houses** private businesses, then concealed carry is allowed in the building **unless** the building has properly posted OAG-approved signage at all entrances.

Schools

- **Does the Federal gun free school zone act (GFSZA) apply to me if I’m a Kansas concealed carry licensee?**

Possibly. If traveling through **a Kansas** “school zone” the answer is no.

- Federal law, 18 U.S.C. 922(q) (the GFSZA), requiring loaded firearms to remain outside of 1,000 feet of a K-12 school (this is the gun free “school zone”). The GFSZA contains several exceptions, one of which is for individuals who are licensed to carry a firearm by the jurisdiction (state or local) where the school zone sits and that licensee was vetted for firearms eligibility. Therefore, those persons with a Kansas CCHL have a built in exception to the GFSZA general rule if they are carrying within a Kansas school zone; licensees from other states, however, do not have this same GFSZA exception while traveling within a Kansas school zone. NonKansas licensees must meet one of the other GFSZA exceptions.

NOTE: Kansas licensees do, however, need to be aware of K-12 school districts that have posted their buildings with OAG approved signage. K-12 school buildings are required to post OAG-approved signage at the building’s entrances if the school wants persons with CCHL prohibited from carrying within the building. K.S.A. 75-7c10.

NOTE: Under Kansas law, lawfully possessed concealed handguns are a general exception to possessing a firearm on the “grounds” of a K-12 school. K.S.A. 21-6301(i). Again, however, the unlicensed carry of a handgun is not compliant with the above-noted GFSZA exception; they are not licensed and they have not been subjected to a background check.

NOTE: Again, K-12 school district buildings were not part of the 2013 SOMB amendments. See, K.S.A. 75-7c20(l). Therefore, K-12 school district buildings do not have to have ASM in place in order to restrict concealed carry.

- **How does a person know whether concealed carry is allowed in university or community college buildings?**

A Kansas university, college, or community college may:

- Effective July 1, 2017, they need to provide ASM (again, metal detection equipment and armed security personnel) plus appropriate OAG-approved signage, in order to restrict or prohibit concealed carry inside a campus building or public area of that campus building.
- Signage prohibiting carry on the school's **grounds**, however, is, again, improper but not "illegal."

Employer/Employee

• Can an employer restrict employees from the lawful concealed carry of handguns?

Generally, yes. Some of the answer depends upon whether the employer is a private employer or a public employer and also depends where the employee is physically working.

- **Private employers** may prohibit employees from carrying concealed while on the premises of the employer's business **or** while otherwise engaged in the duties of employment. K.S.A. 75-7c10(b). Private employers may not prohibit an employee from storing their handgun(s) in the licensee's private means of conveyance even if parked on the employer's premises.
- Generally a state or municipal employer may only restrict concealed carry by employees if "adequate security measures"/ASM and signage are in place at the employer's public entrances. See, K.S.A. 2018 K.S.A. 75-7c20.

• I work for a government agency. Can my agency employer keep me from carrying a concealed handgun while I'm engaged in my duties of employment?

Maybe. This is where the relevant question becomes 'where is the employee engaged in the duties of their employment?'

- Effective July 1, 2017, an employee who works in a SOMB that has properly posted signage and has ASM in place, would be prohibited from carrying concealed (or openly) while within that secured SOMB.
- If the government employee does not generally work in a SOMB but travels a lot or is generally engaged in employment duties while outdoors, then that employee may have some protections for carrying a concealed handgun while engaged in the duties of their employment as provided by K.S.A. 2018 Supp. 75-7c10(e). This allowance to carry on duty is of course still limited by properly posted signage on other non-employer buildings that the employee must enter to perform their duties.

NOTE: For questions about whether an employer can restrict you as an employee from carrying a handgun while at work or while engaged in duties of employment...please consult: K.S.A. 75-7c20; K.S.A. 75-7c10; and/or private legal counsel who can advise you of your individual legal rights.

• Can my public employer require me to disclose my CCHL status?

Maybe.

- Per K.S.A. 75-7c23, a "municipal" employer is prohibited from requiring disclosure of a CCHL and they are prohibited from creating or maintaining a record of their employees who are CCH-licensed.

- A “state” employer, however, is not similarly limited. See, AG Opinion 2016-017.
- **Can a SOMB exempt itself from K.S.A. 75-7c20 again for another four-years from the ASM requirements?**

No. Under the current law, the four year exemptions of (i) and (j) were only allowed for a **one-time use. All four year exemptions ended on July 1, 2017.**

- **Can I carry a concealed handgun into the State Capitol building in Topeka?**

Yes. The Legislative Coordinating Council (LCC) was, per K.S.A. 75-7c21, to decide allowing or disallowing licensed CCH within the Capitol. Per K.S.A. 75-7c21, that meeting had to take place in the month of June, 2014. At the June 2014 meeting of the LCC, no action to prohibit CCH was taken.

- Beginning July 1, 2015, per an amended 75-7c21, the carrying of **concealed handguns** will be allowed in the State Capitol building – whether the person carrying the concealed handgun has a CCHL or not.
- The person must be at least 21 years of age and lawful to be in possession of the handgun – see also, K.S.A. 2018 Supp. 21-6302(a)(4); K.S.A. 21-6309).
- Open carry of a handgun is not allowed.
- Concealed or open carry of any other firearm is not allowed by the general public.

Renewal

- **How do I renew my CCHL?**

For information on the renewal process, please visit <http://ag.ks.gov/licensing/concealed-carry/license-renewal-information>.

Renewal applications are mailed to licensees four (4) months ahead of their CCHL’s expiration date. If the licensee did not receive the renewal packet, one reason might be whether the licensee moved to a new permanent address but did not tell the CCLU of that move. Please reach out to the CCLU if you are within that 4 month window (or beyond) and have not received an application to renew.

Renewal applications are not posted online in order to help keep the flow of renewal applications reasonably controlled.

The CCLU advises each licensee to submit their complete renewal application to the CCLU in as soon as possible to order to avoid any lapses in the CCHL’s validity as well as to avoid any extra fees or fines.

Carry Under the Influence (CUI): K.S.A. 21-6332

- **What are the laws regarding CUI of alcohol or drugs?**

As of July 1, 2014, it is generally unlawful for **anyone** to have a loaded firearm on their person or within their immediate access and control while that individual is under the influence of alcohol or drugs. This prohibition used to apply only to those persons with CCHL.

- This is a class A misdemeanor offense (up to one year in jail and/or up to \$2500.00 in fines).
- Refusal to submit to testing can result in a civil penalty of up to \$1,000.00.
- Those persons with a CCHL will have their CCHL revoked upon a conviction for CUI.

Unlicensed Concealed Carry

- **Do I need a CCHL or temporary nonresident receipt to carry concealed in Kansas?**

Generally, as of July 1, 2015, it is lawful to carry concealed firearms in Kansas without a CCHL. *Some exceptions and qualifications to the general rule are noted below.* The KPFPA was amended, via [2015 Senate Bill 45](#), to allow the unlicensed concealed carry of firearms in Kansas.

There are a few important points to note:

- Concealed carry only pertains to those who are lawful to be in possession of firearms and ammunition.
- Concealed carry of firearms in Kansas only pertains to those who are 21 years of age or older.
- A CCHL will still be required to carry in most states which already recognize the Kansas CCHL, therefore unlicensed carry of concealed handguns/firearms may not be allowed in most of the jurisdictions currently recognizing the Kansas CCHL.

It is the individual's responsibility to be sure that they are lawful to carry firearms in a state they are traveling to.

- Other state and/or federal laws may provide further exceptions to this general rule and will not allow the concealed carry of firearms/handguns. See, e.g., AG Opinion 2016-005. A CCHL may still be required to carry concealed in certain locations within Kansas.
- Certain locations in Kansas may only allow the carrying of concealed handguns – i.e., the State Capitol building.

Because the OAG generally cannot provide private, individual legal advice, if you are not sure whether you may lawfully possess a firearm or whether you qualify for a CCHL (or are unsure of the specifics of the information noted above), please consult with a private attorney.
